

REMARKS

Applicants have thoroughly considered the August 21, 2007 Office action. This Amendment D amends 1, 3, 10, and 12, and cancels claims 9 and 18. Applicants thus respectfully submit that claims 1-18 as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Applicants acknowledge the Office's withdrawal of previous rejections under 35 U.S.C. §101, 112, and 102.

Applicants also submit that each claim of the current invention is commonly owned by the inventors at the time a later invention was made.

Specification

In response to the Office's objection to the amendment to the paragraph [0004] of the Specification in Amendment C, Applicants respectfully submit that the amendment does not add new matter. In addition, Applicants respectfully submit that Applicants have not taken a contradictory position with respect to the amendment to paragraph [0004]. In fact, Applicants have been consistent in maintaining and arguing the overall teaching of the invention; this is evident in part by the withdrawal of the rejection of claims under 35 U.S.C. §102(e). However, in the interest of further advancing the prosecution of this application, Applicants have deleted the amended paragraph [0004] of the specification as indicated in Amendment C and replaced it with the original paragraph [0004].

Rejection under 35 U.S.C. §112

Claims 1, 3, 10 and 12 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1 and 10 by replacing the plural form of "media files" with the singular form to establish the proper antecedent basis. Therefore, the rejection of claims 1 and 3 under 35 U.S.C. §112, second paragraph should be withdrawn.

Claims 3 and 12 have been amended by removing "identified as" from the last line of the claims so as to further clarify the claim language. Therefore, the rejection of claims 3 and 12 under 35 U.S.C. §112 should be withdrawn.

Rejection under 35 U.S.C. §103

Claims 1-4, 10-13, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No. 20020138471 to Dutta et al. in view of US Patent Publication No. 20030036948 to Woodward et al. Applicants respectfully submit that the combined references of Dutta and Woodward fail to disclose each and every element of the independent claims 1 and 10.

As an initial matter, Applicants respectfully submit that Dutta is irrelevant to the subject matter of the current invention. Dutta discloses that the invention “relates to an improved data processing system and, in particular, to a method and system for operating a database. Still more particularly, the present invention provides a method and system for database and/or file accessing and searching.” Dutta, paragraph [0002].

[0096] At some point in time, the peer node receives a search query from a user of the peer node (step 706). The peer node then acts like a “client” node and sends a rating request containing search query keywords to a rating server (step 708). The peer node subsequently receives node identifiers in the master rating results that are returned from the rating server (step 710). The peer node then uses the retrieved node identifiers as root nodes in a peer-to-peer search using the previously entered search query (step 712). The process of activating the search query is then complete.

In addition, Dutta’s paragraph [0096] fails to disclose or suggest any relevance to retrieval of property of media files and prioritizing the plurality of media file sources based on business rules according to digital rights management of the media file.

Furthermore, amended claim 1 now recites, in part, “...retrieving the media file from one of a plurality of media file sources; prioritizing the plurality of media file sources for retrieving the property of the media file based on business rules **according to Digital Rights Management (DRM) of the media file**, said business rules indicating at least compatibility and importance of the media file sources by which the plurality of media file sources is prioritized, **wherein the plurality of metadata sources includes at least one of the following: an advanced stream redirector (ASX) source, a server-side playlist source, a media library source, a file header source, a digital rights management (DRM) source, and a basic metadata source...**” Nowhere do the combinations of Dutta and Woodward disclose each and every element of the amended claim 1. In particular, the combination of Dutta and Woodward fail to disclose or suggest the priority of the plurality of media file sources is based on business rules **according to Digital Rights Management (DRM) of the media file**, and that the plurality of media file sources include at least one of the

following: an advanced stream redirector (ASX) source, a server-side playlist source, a media library source, a file header source, a digital rights management (DRM) source, and a basic metadata source. See also Specification, paragraphs [0033] and [0039]. Therefore, Applicants submit that the cited references fail to disclose or suggest each and every element of claim 1 and its dependent claims. Hence, the rejection of claims 1-4 under 35 U.S.C. §103(a) should be withdrawn.

Amended claim 10 recites a computer-readable storage medium having “determining instructions for determining a priority of the plurality of media file sources for retrieving the property of the media file based on business rules **according to Digital Rights Management (DRM) of the media file**, said business rules indicating at least compatibility and importance of the media file sources by which the plurality of media file sources is prioritized, **wherein the plurality of metadata sources includes at least one of the following: an advanced stream redirector (ASX) source, a server-side playlist source, a media library source, a file header source, a digital rights management (DRM) source, and a basic metadata source...**” Because Dutta and Woodward fail to disclose or suggest at least the element of priority of the plurality of media file source is based on business rules according to DRM of the media file, Applicants submit that the combined references Dutta and Woodward fail to establish the *prima facie* elements of an obviousness rejection. Therefore, the rejection of claims 10-13 and 16 under 35 U.S.C. §103(a) should be withdrawn.

Claims 5-7 and 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Woodward in view of US Patent No. 6493436 to Fowler et al. Claims 5-7 depend from claim 1 and claims 14-15 depend from claim 10. For at least the reasons above and previously submitted, Applicants submit that Fowler fails to cure the deficiencies of Dutta and Woodward and that the rejection of the claims 5-7 and 14-15 under 35 U.S.C. §103(a) should be withdrawn.

Claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Woodward in view of Cato et al. (US Pat. Pub. No. 2003/0120928). For at least the reasons for claims 1 and 10 above, Applicants submit that the combined references of the Dutta, Woodward, and Cato fails to disclose or suggest each and every element of claims 8 and 17. Therefore, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection under 35 U.S.C. §103. Hence, the rejection of claims 8 and 17 under 35 U.S.C. §103(a) should be withdrawn.

Claims 9 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dutta in view of Woodward in view of Ramalay et al (US Pat. Pub. No. 2002/0138619), further in view of Eyal et al (US Pat. Pub. No. 2003/0033420), further in view of Diamond et al (US Pat. Pub. No. 2002/0099694) and further in view of Ijdens et al. (US Pat. Pub. No. 2006/0090030). The subject matter of claims 9 and 18 have been incorporated into claim 1 and 10, respectively. For at least the reasons above, Applicants submit that the combined references of Dutta, Woodward, Ramalay, Eyal, Diamond, and Ijdens fail to disclose each and every element of claims 1 and 10. As such, the rejection of claims 1 and 10 under 35 U.S.C. §103(a) should be withdrawn.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

/TAN-CHI YUAN/

Tan-Chi Yuan, Limited Recognition No. L0113
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
314/231-5400

FRA/ATY/eaw
Via EFS